

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER MARTZ, SR, Plaintiff,	:	
	:	
	:	
v.	:	Civil No. 5:21-cv-02750-JMG
	:	
NORFOLK SOUTHERN RAILWAY COMPANY,	:	
Defendant.	:	

ORDER

AND NOW, this 30th day of September, 2022, upon consideration of Plaintiff's Second Motion to Compel and for Evidentiary Sanctions (ECF No. 30) and Plaintiff's Motion for a Protective Order and in Further Support of His Second Motion to Compel and for Evidentiary Sanctions (ECF No. 33), **IT IS HEREBY ORDERED** as follows:

1. Plaintiff's Motion to Compel and for Evidentiary Sanctions (ECF No. 30) is **GRANTED IN PART** as follows:

2. Plaintiff's request that Defendant be precluded from challenging causation of Plaintiff's injuries is **GRANTED**.

3. Plaintiff's request that Defendant be precluded from conducting the deposition of Plaintiff is **DENIED**.

4. With respect to all information that is responsive to Plaintiff's discovery requests propounded January 20, 2022, and February 22, 2022, Defendant must produce the information or certify its nonexistence no later than **October 7, 2022**. Defendant will not be permitted to depose or conduct any expert examination of Plaintiff until at least two weeks after Defendant produces

this information or certifies its nonexistence. Consistent with this Order, any such deposition or examination must concern the extent, and not the cause, of Plaintiff's injuries.

5. Pursuant to Federal Rule of Civil Procedure 33(b)(5), Defendant—rather than defense counsel—must sign its interrogatory responses attesting to their veracity no later than **October 7, 2022**.

6. Plaintiff's Motion for a Protective Order and in Further Support of His Second Motion to Compel and for Evidentiary Sanctions (ECF No. 33) is **DENIED** as moot.

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge